

## REMARKS

This paper is submitted in response to the Office action mailed on February 3, 2009. This paper amends claims 8, 14, and 18, cancels claim 19, and adds claim 23. Accordingly, after entry of this Amendment and Response, claims 1-18 and 20-23 will be pending.

### I. Claim Rejections Under 35 U.S.C. § 103

Claims 1-18 and 20-22 stand rejected as allegedly obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 6,000,044 to Chrysos et al. ("Chrysos") in view of U.S. Patent No. 7,448,025 to Kalafatis et al. ("Kalafatis"). The Assignee respectfully traverses because the cited art fails to teach or suggest all of the claim elements.

For example, independent claim 1 recites "reporting the sampling information to the particular thread when the sampling information includes an event of interest." The Office action acknowledges that Chrysos is deficient in teaching this claim element but attempts to combine Kalafatis with Chrysos in rejecting the claims to remedy this deficiency. The Assignee respectfully disagrees.

First, there is simply no teaching or suggestion in Kalafatis of reporting anything to any particular thread as recited in claim 1. Instead, Kalafatis teaches that external software accesses and samples the contents of event counters via a program instruction. See *Kalafatis*, col. 2 lines 52-54; col. 6 lines 29-39 ("system software can program/sample the contents of each of the registers"). In fact, Kalafatis at column 5, lines 35-48 actually teaches the opposite of claim 1 in that it teaches reporting information (privilege levels) from threads to event counters instead of the other way around.

Second, there is simply no teaching or suggestion in Kalafatis of when any reporting occurs. Kalafatis merely qualifies events for storage to event counters (see col. 5 lines 27-47) and does not teach conditionally storing information based upon whether the information includes an event of interest as required in claim 1. Chrysos also does not teach conditionally reporting sampling information for a particular thread, and every indication from Chrysos is that it simply reports sampling information unconditionally. See e.g., *Chrysos*, col. 13 lines 39-42 ("it should be noted that in the case where multiple samples are recorded, a single interrupt can cause the sampling of performance data for multiple selected instructions".)

For at least the above reasons, it is respectfully submitted that independent claim 1 is patentable over the cited references and such indication is respectfully requested. The remaining rejected claims 2-7 all depend, either directly or indirectly, from independent claim 1. According, these dependent claims themselves are patentable over the cited reference

and such indication is respectfully requested. This statement is made without reference to or waiving the independent bases of patentability within each dependent claim.

Independent claims 8, 14, and 18, as amended, contain elements to akin to those discussed above with regard to claim 1, and therefore, are patentable over the cited art for at least the same reasons as claim 1. The remaining rejected claims 9-13, 15-17, and 20-23 depend, either directly or indirectly, from one of independent claims 8, 14, and 18. Accordingly, these dependent claims are themselves patentable over the cited references and such indication is respectfully request. This statement is made without reference to or waiving the independent bases of patentability within each dependent claim.

## II. New Claim 23

With this response, the Assignee adds new dependent claim 23 for prosecution. The Assignee respectfully submits this new claim is fully supported by the specification at least at ¶¶[010], [011], and [024]. Furthermore, the Assignee respectfully submits that in addition to the reasons stated above with regard to claim 1, dependent claim 23 is not anticipated or rendered obvious by Chrysos and/or Kalafatis in as much as they do not teach or suggest that the “storing the sampling information further comprises storing the sampling information to a memory register shared by multiple threads”.

## III. Conclusion

The Assignee thanks the Examiner for his thorough review of the application. The Assignee respectfully submits the present application, as amended, is in condition for allowance and respectfully requests the issuance of a Notice of Allowability as soon as practicable.

The Assignee believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney.

Dated: 5.4.2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rob Tuttle", is written over a horizontal line.

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